



DONALD L. WOLFE, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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July 6, 2006

IN REPLY PLEASE
REFER TO FILE: PD-1

TO: Each Supervisor

FROM: Donald L. Wolfe
Director of Public Works

ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY REGULAR BOARD MEETING-JUNE 26, 2006

On June 26, 2006, my staff attended the regular Board meeting of the Alameda Corridor-East Construction Authority (ACE). A copy of the agenda and adopted minutes of the May 22, 2006, regular Board meeting are attached. The following items were discussed at the meeting, which are of interest to the County.

Agenda Item VI- The Chief Executive Officer reported that the San Gabriel Valley Council of Governments Governing Board adopted, as part of its Strategic Plan, work activities and goals that are in support of ACE's efforts to secure an additional \$463 million to fund the second phase of its grade separation projects.

Agenda Item XII- The Board instructed staff to pursue the sale of a surplus property at the corner of Valley Boulevard and Nogales Street, which resulted from the construction of the Nogales Street Grade Separation project, with the City of West Covina. The property is approximately five acres total, with about 3.8 acres being the most viable for reuse. The City of West Covina intends to develop the property with a commercial or a mixed use (residential/commercial) development. ACE would receive fair market value for the property.

Agenda Item XIII- The Board adopted ACE's Annual Anticipated Disadvantaged Business Enterprise participation level of 13 percent for Fiscal Year 2006-07.

The next Board meeting will be held on July 24, 2006, at 2 p.m., at the Irwindale City Hall Council Chambers.

AU:rr

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Attach.

cc: Chief Administrative Office
Executive Office



Alameda Corridor-East Construction Authority

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org

REGULAR MEETING AGENDA

Monday, June 26, 2006 – 2:00 P.M.

Irwindale City Hall – Council Chambers

5050 Irwindale Avenue

Irwindale, CA 91706

Members of the public may comment on any item on the agenda at the time it is taken up by the Board. We ask that members of the public come forward to be recognized by the Chair and keep their remarks brief. If several persons wish to address the Board on a single item, the Chair may impose a three-minute time limit on individual remarks at the beginning of the discussion.

- | | | |
|-------|---|-------------|
| I. | Roll Call and Introductions | |
| II. | Pledge of Allegiance | |
| III. | Approval of Minutes of Meeting of May 22, 2006 (Pages 1-4) | Action |
| IV. | Public Comment | |
| V. | Chairman's Remarks | Action |
| VI. | Chief Executive Officer's Report (Pages 5-18) | Information |
| VII. | Approval of Fiscal Year '07 Task Order for Bechtel/Korve Program Management Services (Pages 19-28) | Action |
| VIII. | Approval of Annual Support Services Contracts: (Pages 29-31) | Action |
| | ▪ Womble, Carlyle, Sandridge & Rice | |
| | ▪ Capital Representation Group | |
| | ▪ Padilla & Associates | |
| | ▪ Burke, Williams & Sorensen, LLP | |
| | ▪ Big Independent Cities Excess Pool (BICEP) | |
| | ▪ First Southwest Company | |
| | ▪ Lopez & Company | |
| | ▪ Chris McGargill Consulting | |
| IX. | Approval of Subcontract Amendment for Land Acquisition Relocation Services with Demetriou, Del Guercio, Springer & Francis, LLP. (Pages 32-33) | Action |
| X. | Approval of Contract Amendment for Temple Ave Train Diversion Fourth Track Construction with Yeager, Skanska, Inc. (Pages 34-35) | Action |
| XI. | Approval of Contract Amendment for Metrolink Bridge Construction for the Ramona Blvd. Grade Separation with Brutoco Engineering, Inc. (Pages 36-37) | Action |

The ACE Construction Authority is currently constituted of seven (7) member jurisdiction; the Cities of El Monte, Industry, Montebello, San Gabriel and Pomona, the County of Los Angeles and the San Gabriel Valley Council of Governments. A San Bernardino County Council of Governments representative is an ex-officio Board member.

Each member or alternate has one vote. A quorum of the ACE Construction Authority is no less than four (4) of its total voting membership. Actions taken by the ACE Construction Authority shall be by simple majority of the members present with a quorum in attendance except for personnel actions, the annual budget, matters dealing with the Administrative Code or matters requiring subsequent approval by the SGVCOG, all of which shall require five (5) votes.

- | | | |
|-------|---|-----------------|
| XII. | Approval of Sale of Nogales Street Surplus Property in Cooperation with the City of West Covina (Page 38) | Action |
| XIII. | Approval of Annual Anticipated DBE Participation Level (Pages 39-58) | Action |
| XIV. | Closed Session | |
| | The Board will adjourn to closed session in accordance with Government Code 54956.8 to discuss:
Property Address: 650 Brea Canyon Road, Diamond Bar, CA
Agency Negotiator: Mark Mendoza, Paragon Partners
Negotiating Parties: ACE Construction Authority and Lyle Kennedy
Matters Under Negotiation: Price & Terms | Possible Action |
| | In accordance with Government Code Section 54956.9 to discuss pending litigation:
ACE Construction Authority vs. Maurilo Fabila
Case No. BC 338894 | Possible Action |
| | In accordance with Government Code Section 54957 to discuss the Performance Evaluation of Chief Executive Officer | Possible Action |
| XII. | Adjournment | Action |



**ACE Construction Authority
Regular Board Meeting
May 22, 2006
Minutes**

The Acting Chair called the meeting to order at the Irwindale City Hall at 2:01 PM.

1. In attendance were:

Harry Baldwin, Acting Chair, San Gabriel
Jeff Siccama, Montebello
Phil Marcellin, Industry
Pat Wallach, El Monte

Staff

Sharon Neely, Acting Chief Executive Officer
Joe Silvey, Legal Counsel
Bruce Armistead, staff
Cynthia Ambrose, staff
Girish Roy, staff
Charles Conway, staff
Deanna Stanley, staff

Guests

David Varnan, Congressman Gary Miller
Vijay Kopporam, Caltrans
Manuel Saucedo, Senator Nell Soto
Donna Lee, Southern California Edison
Nicole Shahenian, Congresswoman Hilda Solis

2. Pledge of Allegiance

Acting Chair Harry Baldwin led the pledge of allegiance.

3. Approval of Minutes of April 24, 2006

A motion was made to approve the meeting minutes of March 30, 2006.
M/S/C: Siccama/Marcellin/Wallach Abstain/Approved

4. Public Comments

There were no public comments.

5. Chairman's Report

Chairman Baldwin welcomed Bob Bagwell's alternate, Councilmember Jeff Siccama of Montebello and Ernest Gutierrez' alternate, Pat Wallach. The Chairman reminded the Board of the upcoming groundbreaking ceremony for the Brea Canyon Road June 5 at 10 AM in the Metrolink parking lot at Brea Canyon Road in the City of Diamond Bar.

6. Chief Executive Officer's Report

Sharon Neely, Acting CEO reminded the Board that the bi-monthly progress reports were available for their city. Ms. Neely also noted the upcoming San Gabriel Valley Council of Government's strategic planning workshop on Saturday, June 3rd from 8:30 AM to 4 PM at the South Coast Air Quality Management District office in Diamond Bar. Senior Project Manager Lou Cluster reviewed the progress photos of the Ramona Blvd. grade separation project. Senior Project Manager Bruce Armistead reviewed construction progress photos of the Temple Avenue train diversion and the Reservoir grade separation projects. George Nomura, Bechtel Program Manager, reviewed the program management activities for the past month.

Chairman Baldwin announced that Ms. Herrera was delayed in traffic; therefore, the budget presentation and vote would be deferred until later in the meeting as the budget approval required five votes.

7. Approval of Amendment to Design Services Contract with DMJM for Brea Canyon Road Grade Separation Project

Ms. Neely referred the Board to the staff report on page 42 of the agenda. She indicated the amendment was necessary due to minor design changes made to resolve issues with third party utility relocations as well as changes resulting from final property negotiations and lastly, the addition of a City of Industry required secondary ground water recovery system. She indicated that in order to avoid delay, the participating designer was used to incorporate these changes.

A motion was made to authorize the Chief Executive Officer to amend the contract with DMJM+Harris to add \$213,360 for minor design revisions and support during construction of the Brea Canyon Road grade separation for a new contract value of \$3,719,376.

M/S/C: Marcellin/Wallach/Unanimous

8. Approval of Close out of Demolition Services Contract with Interior Demolition Inc. for the Brea Canyon Road Grade Separation Project

Girish Roy, Senior Project Manager, reviewed photos of the building at 650 Brea Canyon Road, required for utility relocation necessary for the Brea Canyon Road grade separation. He indicated there were two parcels acquired for the project and the referenced property was required for utility relocations that needed to be complete prior to construction. He indicated the contract was competitively bid and the demolition has been satisfactorily completed. He indicated demolition of the other building was included in the scope of work of the construction contractor, Griffith Company. He reviewed the staff recommendation.

A motion was made to approve the staff recommendation to:

Accept the building demolition at the Brea Canyon Road project as being satisfactorily completed in conformance with the project specifications, contingent upon signed approval by the host jurisdiction, the City of Diamond Bar; and

Approve the final retention payment of \$10,658 to Interior Demolition, Inc. 35 days after the Notice of Completion is filed, if no claims or objections have been filed, and concurrence of the Chief Executive Officer; and

Authorize release of Labor and Materials Bond and the Faithful Performance Bond upon expiration of the required lien period, if no claims or objections have been filed, upon concurrence of the Chief Executive Officer.

M/S/C: Wallach/Marcellin/Unanimous

9. Approval of Agreement Implementing Caltrans' Revised DBE Regulations

Ms. Neely reviewed ACE's past history of DBE participation. She indicated the Authority had an excellent record of meeting established goals. She reported that as a result of recent court decision, effective May 1st all federally funded contracts could no longer require contract specific DBE goals in determining bid responsiveness. She referred the Board to page 46 which outlined the steps the Authority would now take to meet the new regulations. She indicated that the new rule would not affect existing contracts and that reporting on existing contracts with established DBE goals would continue to require regular reporting for compliance. Ms. Neely indicated the Authority was required to execute a DBE Race-Neutral Implementation Agreement and indicated the agreement was included in the Board's agenda.

A motion was made to authorize the Chief Executive Officer to execute the DBE Race-Neutral Implementation Agreement for Local Agencies and return to the Board at the next meeting with the proposed FY '07 DBE advisory goal for approval.

M/S/C: Baldwin/Marcellin/Unanimous

10. Update on State Infrastructure Bond Legislation

Ms. Neely reviewed the State Infrastructure Bond legislation, its components, schedule, and next steps. She reviewed several program areas within the transportation bond bill which staff believes the ACE Project would qualify. Staff will continue to provide regular updates.

Mr. Baldwin requested a 10-minute recess to allow the arrival of Ms. Herrera. The Board reconvened upon Ms. Herrera's arrival.

11. Approval of Fiscal Year '07 Budget

Ms. Neely reviewed the goals and accomplishments of FY '06. She highlighted the completion of the Nogales Street grade separation, the progress of the Ramona Blvd., Brea Canyon Road, East End/Reservoir, Temple Avenue and IRRIS projects. She indicated re-bidding the Sunset Avenue project caused the goal not to be met and delays from third parties affected goals on Reservoir Street and Temple Avenue projects. She indicated the lack of funding prohibited goals being met on the San Gabriel trench project. She reviewed funding goals, all of which were met. Outreach accomplishments included the opening of Nogales; exceeding DBE goals; and the upcoming groundbreaking ceremony for the Brea Canyon Road separation project. Ms. Neely highlighted FY '07 goals, some of which included: open Reservoir Street to traffic by November, 2006; construction at 90% complete at Ramona Blvd.; Brea Canyon Road at 35% completion; East End Ave at 30% construction, the IRRIS project handed off to the City of Pomona and completion of the environmental process for the San Gabriel trench project. Finance goals included secure SAFETEA-LU funding; obtain project allocation from CTC if State transportation bond passes and minimize use of working capital. Outreach goals included a ribbon cutting at Reservoir Street; implement business support program for newly started construction projects and adopt a new DBE program to meet changes in Caltrans regulation. Chip Conway, Finance Manager reviewed the budget. He highlighted the direct and indirect costs. There was Board discussion regarding several areas including changes to level of DBE compliance monitoring and staffing. Mr. Conway addressed each question accordingly. A motion was made to approve the ACE Construction Authority FY'07 Budget. M/S/C: Herrera/Marcellin/Unanimous

12. Adjournment

A motion was made to adjourn at 3:12 PM.



Alameda Corridor-East Construction Authority

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MEMO TO: ACE Construction Authority Board Members & Alternates

FROM: Rick Richmond
Chief Executive Officer

DATE: June 26, 2006

SUBJECT: CEO Monthly Report

The following are items of note since the last meeting:

SGVCOG Strategic Plan - The SGVCOG Governing Board adopted a Strategic Plan for the next three years. Several of the ACE Board members participated in the Board retreat discussions. I have distributed a copy of mission, goals, and planned work activity over the next 6 months. The SGVCOG Board will be monitoring monthly progress. A number of the work activities and goals are in support of ACE's efforts to secure an additional \$463 million for Phase II of the Project. I encourage you to take a look at the material. I will provide a monthly update on progress as part of my future CEO reports. The Chairman will provide monthly updates in his report to the SGVCOG Governing Board meetings.

Testimony before House Transportation and Infrastructure Committee, Subcommittee on Highways, Transit and Pipelines - I was asked to testify by Congressman Thomas Petri, the Chairman of Subcommittee regarding intermodalism efforts underway on the ACE Project. Congressman Miller, who is on the Committee, attended the hearing and spoke favorably of the project. Chairman Petri also spoke favorably of the national impacts of the project. I have distributed copies of the testimony to you.

Senator Feinstein Meeting on Goods Movement - On June 16th, Senator Feinstein's office convened a meeting of key goods movement stakeholders in Southern California to discuss what specific federal actions could be recommended to improve goods movement. I will report on any significant outcomes of that meeting.

Community Outreach Update - Staff has conducted the following project outreach activities:

1. Support for groundbreaking ceremony for Brea Canyon Road grade separation project;
2. Distribute construction notices regarding utility relocations for the Brea Canyon Road grade separation project;

3. Support for East End Avenue grade separation project construction coordination meetings with Foothill Transit and the Pomona Unified School District;
4. Conduct school safety outreach, preconstruction property condition survey and business support programs for Brea Canyon Road grade separation project;
5. Conduct ongoing business support program and community outreach activities for the Brea Canyon Road, Reservoir Street/East End Avenue, Ramona Boulevard and Temple Avenue projects.

Contracting – Our Administrative Code delegates to the CEO the authority to approve new contracts or change orders for Board-approved contracts within certain limits, with a requirement that I report to the Board any such contract action. Below is a list of such contract actions since the last report that have not been separately approved by the Board.

<u>Contractor</u>	<u>Reason for Change</u>	<u>Previous Value</u>	<u>Change Amount</u>
EVA Signal Corporation	Perform repair of signal cable damaged by UPRR	\$1,044,128	\$6,615

Construction Progress Reports – Attached are construction progress reports on East End Ave., Reservoir St., Ramona Ave. and Temple Ave. projects.

Program Management Monthly Report - The Bechtel/Korve program management support activities for the last month is attached.

**ALAMEDA CORRIDOR EAST
PROJECT STATUS REPORT
RAMONA BLVD. GRADE SEPARATION**



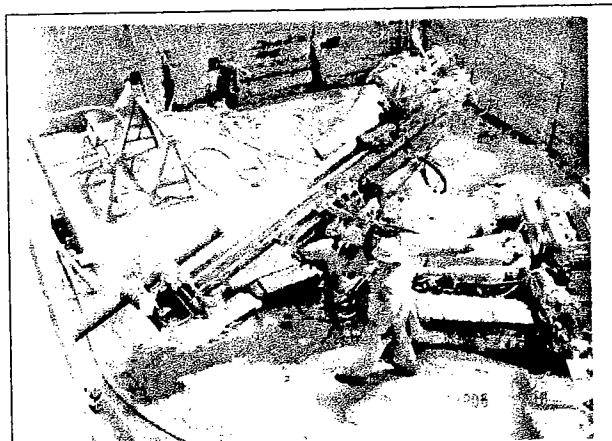
For the Month: **May 2006**

Scope:	Construct a grade separation at Ramona Blvd. in the City of El Monte
Contractor:	Brutoco Engineering & Construction, Inc.
Construction Manager:	Lim & Nascimento Engineering (LAN)
Contract Award:	September 27, 2004
Notice to Proceed:	December 15, 2004
Estimated Contract Completion:	November 13, 2007

Project Milestone Summary	Estimated Start	Estimated Completion	% Complete
Install Storm Drain System	May 2005	July 2007	66%
Install Water Line	September 2005	August 2007	21%
Prepare Shoofly	July 2005	September 2006	58%
Construct UPRR bridge foundations	July 2006	August 2006	
Construct UPRR bridge superstructure	May 2005	March 2007	27%
Construct Future UPRR bridge foundations	March 2007	June 2007	
Construct Metrolink bridge foundations	June 2006	August 2006	
Construct Metrolink bridge superstructure	September 2005	March 2007	30%
Build Pump Station	December 2005	February 2007	23%
Construct Retaining Walls	August 2005	August 2007	18%
Ramona Blvd. Civil Work	April 2005	October 2007	26%
Open to public		October 2007	
Complete Landscaping/Irrigation	December 2006	November 2007	

Financial Summary	
Original Contract Value	\$ 17,721,474.85
C.O.s Approved This Month	\$ 136,344.36
C.O.s Approved to Date	\$ 414,784.69
Current Contract Value	\$ 18,136,259.54
Total Earned to Date	\$5,355,301.33

RAMONA BOULEVARD GRADE SEPARATION PROJECT



Pump Station Shoring Tie-back Installation

STAGE 2 SCRRA'S DIVERSION ONTO ITS SHOOFLY OCCURRED ON MAY 12, 2006.

STAGE 3 WORK CONTINUES WITH RETAINING WALLS 3 & 4 CONSTRUCTION FROM STA 306+35 TO 309+84 COMPLETED ON MAY 15, 2006.

PUMP STATION WORK RESUMED THIS PERIOD WITH EXCAVATION AND SHORING INSTALLATION. THIS WORK IS SCHEDULED TO COMPLETE JUNE 19, 2006.

CONTRACTOR **BRUTO CO CONSTRUCTION**

CONTRACT AWARD **DECEMBER 2004**
COMPLETION **NOVEMBER 2007**

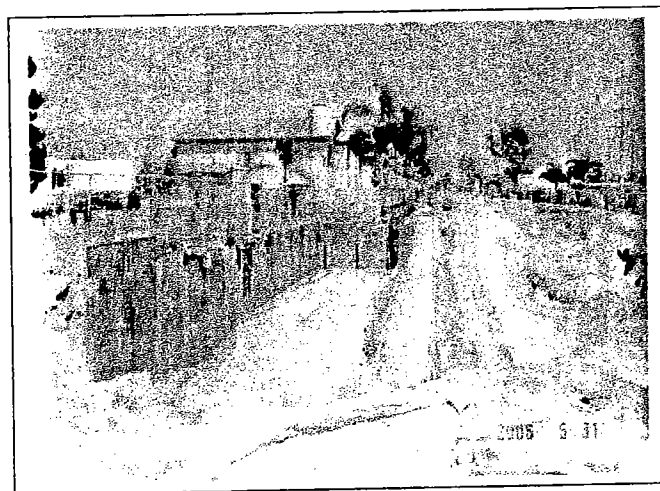
ORIGINAL CONTRACT **\$ 17,721,475**
CHANGE ORDERS **\$ 414,785**
TOTAL CONTRACT **\$ 18,136,260**

EARNED TO DATE **\$ 5,355,302**

CURRENT STAGE OF WORK

STAGE 2 SCRRA DIVERSION TO SHOOFLY

**STAGE 3 RW 3&4 WALLS
PUMP STATION**



IAN ENGINEERING
CORPORATION
CONSTRUCTION MANAGEMENT DIVISION

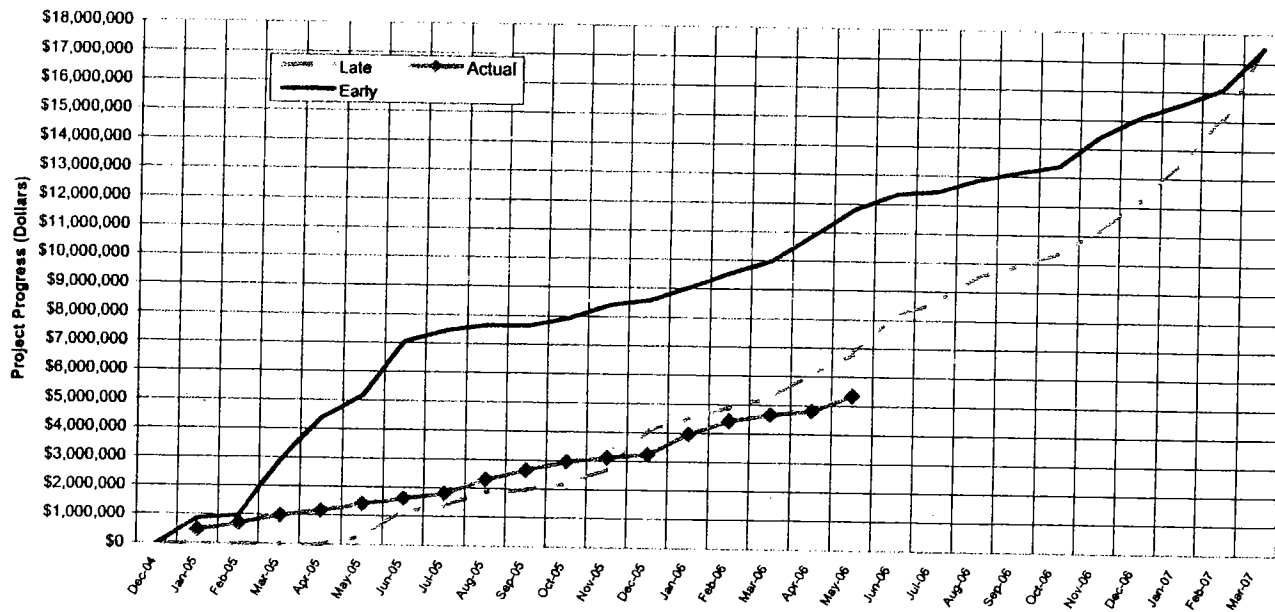
MAY 2006

ALAMEDA CORRIDOR EAST
PHYSICAL PROGRESS MEASUREMENT
RAMONA BLVD. GRADE SEPARATION

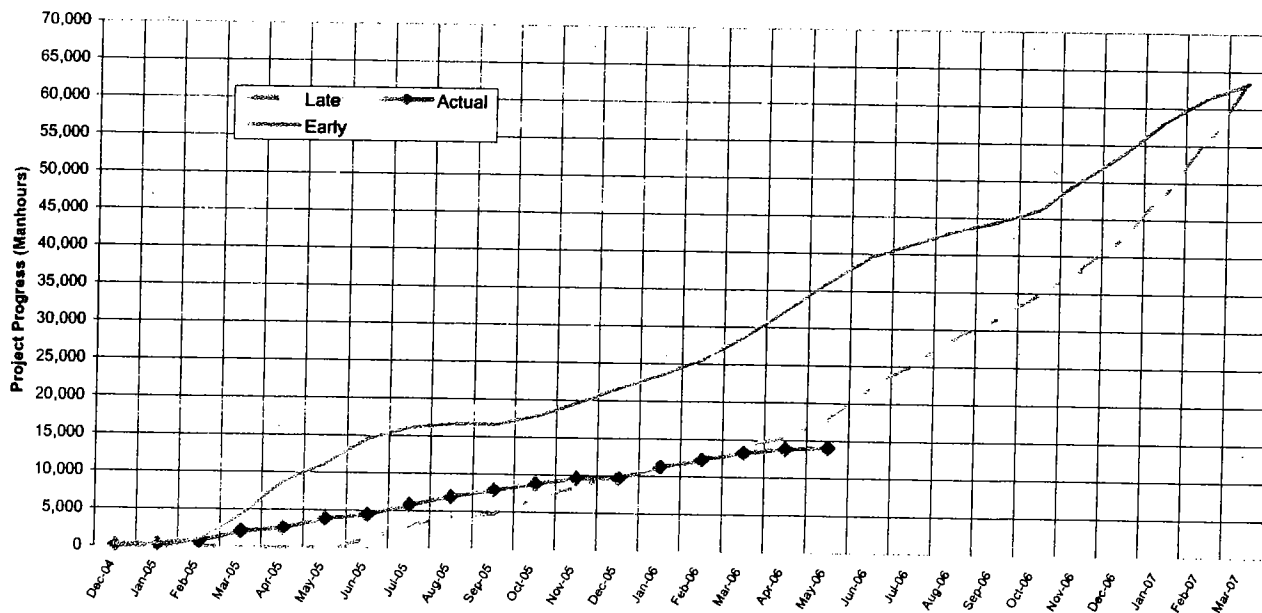


For the Month : **May 2006**

**Ramona Blvd. Construction
Total Project Progress
(Based On Earned Revenue and Accepted Baseline)**



**Ramona Blvd. Construction
Total Project Progress
(Based On Earned Manhours and Accepted Baseline)**



ALAMEDA CORRIDOR EAST
PROJECT STATUS REPORT
EAST END/ RESERVOIR GRADE SEPARATIONS

For the Month: **May, 2006**

Scope:	Construct two railroad and two roadway bridges to grade separate the East End and Reservoir roadways from the railroad.
Contractor:	Ortiz Enterprises, Inc.
Construction Manager:	Parsons Brinckerhoff Construction Services, Inc. (PBCS)
Contract Award:	March, 2004
Notice to Proceed:	June, 2004
Estimated Completion:	Reservoir – December 2006 East End – April, 2008

Reservoir Schedule Summary	Estimated Start	Estimated Completion	% Complete
Reservoir utility	June 2004	July 2006	99%
Close Reservoir/construct shoofly grade	September 2004	September 2004	100%
UPRR shoofly construction	September 2004	January 2005	100%
Railroad bridge construction	February 2005	February 2006	100%
1 st Street bridge construction	March 2006	October 2006	20%
lower streets/construct retaining walls	August 2005	December 2006	35%
Open 1 st Street to traffic	November 2006		
Open Reservoir Street to traffic	December 2006		
East End Schedule Summary			
East End utility relocations	June 2005	June 2007	5%
Begin shoofly construction for East End	September 2005	December 2006	25%

Financial Summary			
Original Contract Value	\$30,208,600		
C.O.s Approved This Month	\$47,112		
C.O.s Approved to Date	\$1,315,467		
Current Contract Value	\$31,524,067		
Invoiced to Date	\$12,741,213		42%

EAST END / RESERVOIR GRADE SEPARATION PROJECT

CONTRACTOR	ORTIZ
CONTRACT AWARD	MARCH 2004
NTP	JUNE 2004
MILESTONE TO REOPEN	DECEMBER
RESERVOIR	2006
ORIGINAL COMPLETION	AUGUST 2007
REVISED COMPLETION	APRIL 2008
ORIGINAL CONTRACT	\$30,208,600
VALUE	
CHANGE ORDERS THIS	\$47,112
MONTH	
AMENDED CONTRACT	\$31,524,067
VALUE	
EARNED TO DATE	\$11,209,917

- UTILITIES; SCE INSTALL UNDERGROUND CONDUIT
- VERIZON START RELOCATION WORK
- NO CONTRACTOR WORK.

UPCOMING WORK NEXT MONTH

- COONTINUE RESERVOIR SHORING & ROADWAY EXCAVATION
- START 1ST STREET BRIDGE ABUTMENTS
- CONTINUE ROADWAY RETAINING WALL CONSTRUCTION

PROGRESS SUMMARY

- RESERVOIR CONTRACT UTILITY RELOCATIONS: 99%
- RESERVOIR RAILROAD BRIDGE: 100%
- ROADWAY EXCAVATION 90%
- PRICE STREET RETAIN WALLS: 100%
- RESERVOIR & LIFT STATION RETAIN WALLS 10%
- 1ST STREET BRIDGE @ RESERVOIR 15%

SAFETY AND SECURITY ISSUES:

SAFETY:

- TIME LOST INJURY STATUS NONE
- INCIDENTS THIS MONTH NONE

SECURITY:

NOTHING TO REPORT

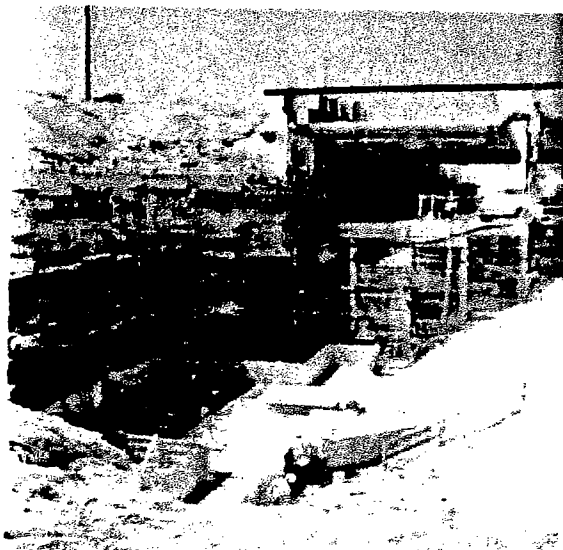
INITIAL EVENT REPORTS:

NOTHING TO REPORT

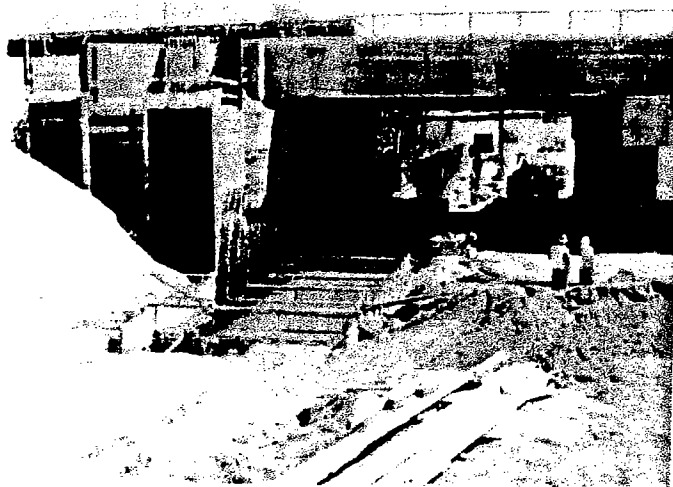
WORK ACCOMPLISHED THIS MONTH

- COMPLETE INSTALLATION OF SHORING FOR RETAINING WALL CONSTRUCTION
- CONTINUE ROADWAY & LIFT STATION EXCAVATION
- START CONSTRUCTION RETAINING WALLS
- COMPLETE SD SYSTEM ON 1ST STREET
- COMPLETE 1ST STREET BRIDGE FOUNDATIONS

EAST END



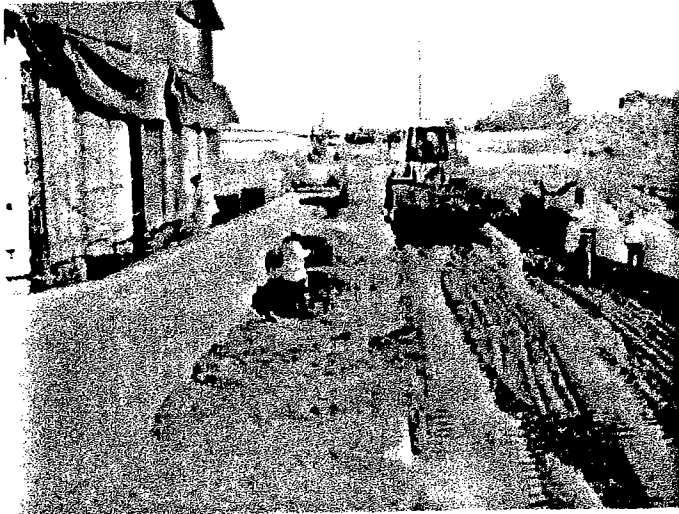
**LIFT STATION SHORING AND FOUNDATION
LOOKING NORTH**



**EAST SIDE ROADWAY RETAINING WALL
CONSTRUCTION**



EAST END / RESERVOIR GRADE SEPARATION PROJECT



**DRIVEWAY RETAINING WALL FILL AT CHANG
PROPERTY**

ALAMEDA CORRIDOR EAST
PROJECT STATUS REPORT
TEMPLE AVENUE TRAIN DIVERSION PROJECT

For the Month: **May, 2006**

Scope:	Construct 3 new railroad bridges and 1 new traffic bridge; widen 3 existing railroad bridges; grade for new track bed and modifications of existing track beds; construct sound walls, retaining walls, and pier protection walls; install utilities or modify existing utilities; rehabilitate existing LDC well; and, construct new Audiology Clinic for Lanterman Developmental Center.
Contractor:	Yeager Skanska, Inc.
Construction Manager:	Parsons Brinckerhoff Construction Services, Inc. (PBCS)
Contract Award:	January, 2005
Notice to Proceed:	May 2, 2005
Anticipated Completion:	August 29, 2007

Reservoir Schedule Summary	Estimated Start	Estimated Completion	% Complete
Work within Cal Poly Spadra Farm	May, 2005	April, 2006	95%
Audiology Clinic @ Lanterman DC	May, 2005	March, 2006	98%
Remaining work on LA Subdivision	May, 2005	August 2007	70%
Work on ALH Subdivision Passing siding	May, 2005	DELETEDING*	10%

Financial Summary			
Original Contract Value	\$24,389,743		
C.O.s Approved This Month	\$ 22,692		
C.O.s Approved to Date	\$ 1,149,818		
Current Contract Value	\$25,539,562		
Current Paid to Date	\$17,558,614		69%

TEMPLE AVENUE TRAIN DIVERSION PROJECT

CONTRACTOR

YEAGER-
SKANSKA

UPCOMING WORK NEXT MONTH

CONTRACT AWARD

JANUARY 2005

LIMITED NTP

MARCH 2005

NTP

MAY, 2, 2005

COMPLETION

MAY 2, 2007

REVISED COMPLETION

AUGUST 29,
2007

ORIGINAL CONTRACT

\$24,389,743

VALUE

CHANGE ORDERS THIS

\$22,692

MONTH

AMENDED CONTRACT

\$25,539,562

VALUE

EARNED TO DATE

\$17,558,614

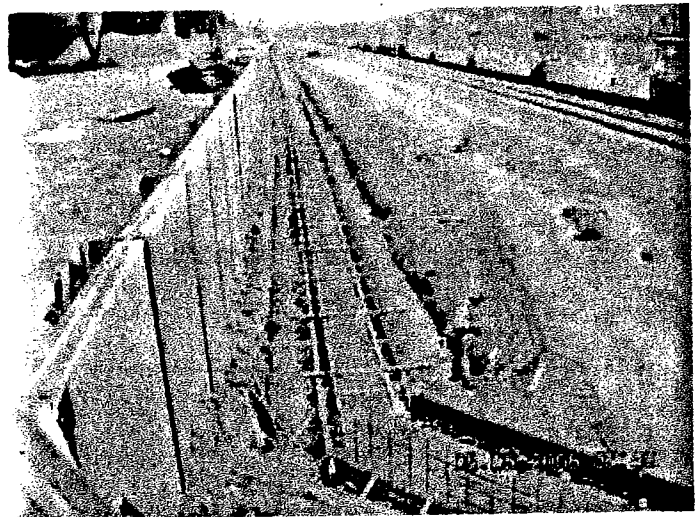
- COMPLETE RETAIN WALL #1&3
CONCRETE DRAIN DITCH

- COMPLETE PIER PROTECTION COMPLETE
SR-57

- START TEMPLE PIER PROTECTION &
RETAIN WALL

- RECOMPACT RR EMBANKMENT WEST OF
STATE ST

- START CULVERT AT HUMANE WAY



Drainage Channel West of SR-71

PROGRESS SUMMARY

- SPADRA FARM EMBANKMENT &
BRIDGES 95%
- LA SUBDIVISION EMBANKMENT
& BRIDGES 70%
- LANTERMAN AUDIOLOGY LAB 98%
- ALHAMBRA SUB PASSING
SIDING (10%) DELETING

Due to UPRR corridor design issues work on the Alhambra Passing Siding is being deleted.

SAFETY AND SECURITY ISSUES:

SAFETY:

- TIME LOST INJURY STATUS NONE REPORTED
- INCIDENTS THIS MONTH NONE
REPORTED

SECURITY:

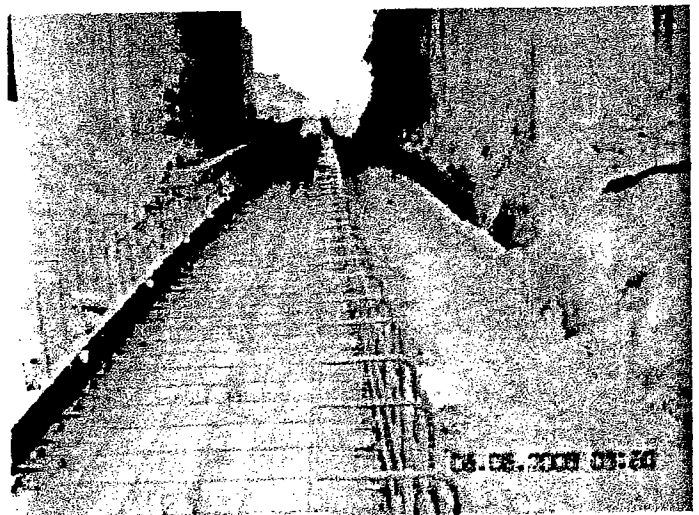
NOTHING TO REPORT

INITIAL EVENT REPORTS:

NOTHING TO REPORT

WORK ACCOMPLISHED THIS MONTH

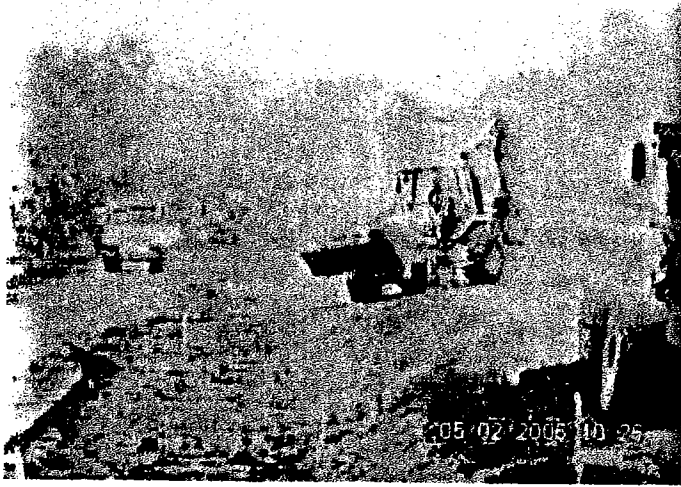
- CONTINUE INSTALL CONCRETE DRAIN
DITCH NEXT TO RETAINING WALLS 1 AND 3
- CONTINUE SR-57 PIER PROTECTION &
RETAIN WALL.
- COMPLETE STORM DRAIN CULVERT
UNDER SR 71
- RESUME UTILITY ENCASEMENTS
- CONTINUE SOUNDWALLS 3 & 4
- AUDIOLOGY LAB COMPLETE SITEWORK.



Box Culvert Under SR-71



TEMPLE AVENUE TRAIN DIVERSION PROJECT



Railroad Embankment West of State St.

MONTHLY PROGRESS REPORT
ALAMEDA CORRIDOR-EAST PROGRAM MANAGEMENT SERVICES
PERIOD ENDING 5/31/06

This report summarizes activities undertaken between May 1 and May 31, 2006.

OVERVIEW:

Work is proceeding on project implementation on several fronts, with an emphasis on:

- IRRIS system operating under monitoring and evaluation phase. Remedial work for EVA train detection sensors and system to conform to specifications is in progress. Testing of the first remedial site work was completed successfully. Remedial work for remaining sites are in process.
- Sunset Avenue Grade Separation Project – Continuing right-of-way acquisition process. Continued utility relocation coordination with the agencies. Continued utility relocation for fiber optic lines. The re-bid for construction based on alternative embankment wall designs was advertised for bids on May 30, 2006. Bid opening is scheduled for July 11, 2006.
- Brea Canyon Road Grade Separation Project – Continuing right-of-way acquisition process. Continued utility relocation coordination with the agencies. Walnut Valley Water District and the Gas Co. started relocation of their facilities. Griffith Construction has been working under a Limited Notice to Proceed. Full NTP is forecast in early July 2006.
- At the Ramona Boulevard grade separation project Metrolink completed construction of its shoofly track and cut train operations over to the shoofly the weekend of May 13th. SBC continued relocation of their underground telephone lines. The contractor continued deep excavation for the pumphouse and tie-backs of excavation shoring.
- For the East End and Reservoir contract, the railroad is operating on the completed UPRR bridge at Reservoir. Roadway excavation and retaining walls at Reservoir is continuing. Utility work at East End Avenue is in progress. Continued construction of 1st Street bridge over Reservoir Street.
- At the Nogales Street underpass project contract closeout and final quantity change orders are being negotiated. Sale of excess property to a private developer is being negotiated concurrent with municipal planning review of development proposals.
- The Temple Ave Train Diversion construction continued SR-57 pier protection work and storm drain box culvert at SR-71. Continued with installation soundwalls along Lanterman Development Center. Continued utility encasement work at various locations. The Audiology building construction is nearing completion at the Lanterman Development Center. Design is progressing for the UPRR 4th Track construction and negotiations have commenced for the first set of associated changes with Yeager-Skanska. A new construction contract for remaining civil related 4th Track work is scheduled to be advertised for bids in July/August.
- Continued coordination and review of the Ramona, Reservoir, Brea Canyon and Sunset Avenue project construction interface schedules with UPRR.
- Community outreach activities continued for various projects.

BUDGET/SCHEDULE

Work is currently proceeding within schedule and budget.

COMPLETED AND ONGOING WORK ACTIVITIES

PROGRAM MANAGEMENT SCOPE

I. General Program Management & Administration Service:

A. Management and Administration

- Provided direction to PM team for accomplishment of tasks.
- Maintained progress on tasks.
- Submitted monthly invoice.
- Prepared various cost and budget reports.
- Updated detailed project schedule.

B. Procurement

- Continued review and processing of active contract changes and documentation for the Temple Train Diversion, Reservoir St., Ramona Blvd and Nogales grade separation projects.
- The-bid and advertisement of the Sunset Project for construction occurred on May 30th.
- On the Brea Canyon Project pre-construction activities continued and full NTP is forecasted in early July.

C. Quality Control Program/Value Engineering

- No activities

D. Utility Program Management

- Ongoing planning and coordination with major utility companies.
- Continued utility relocations for the Brea Canyon Grade Separation Project.
- Continued with relocation of utilities for the Sunset Avenue Project.
- Continued with relocation of utilities for the East End/Reservoir Project.

E. Environmental Program

- Continued Mitigation Monitoring and Reporting Programs.
- IS/EA draft report for San Gabriel Rail lowering project completed. Currently being edited based on Caltrans/FHWA comments.

F. Permitting Support

- Planning for permits from regulatory agencies.
- Traffic engineering design changes and diagnostic team review recommendations related to a revision to ACE's CPUC authority to build the Sunset Avenue project (to add a bridge at Orange Avenue) are under review by the project team and UPRR.
- An amendment to CPUC's authorization for the Brea Canyon Road project is still under review by CPUC staff.

G. Public Outreach

- Provide staff support for groundbreaking ceremony for Brea Canyon Road grade separation project.
- Distribute construction notices regarding utility relocations for the Brea Canyon Road grade separation project.
- Provide staff support for East End Avenue grade separation project construction coordination meetings with Foothill Transit and the Pomona Unified School District.
- Conduct school safety outreach, preconstruction property condition survey and business support programs for Brea Canyon Road grade separation project.

- Conduct ongoing business support program and community outreach activities for the Brea Canyon Road, Reservoir Street/East End Avenue, Ramona Boulevard and Temple Avenue projects.

II. Project Management Services

- Ongoing project coordination with involved agencies/jurisdictions/UPRR.
- Providing technical direction to B-K sub consultants.

TECHNICAL SCOPE

Right-of-Way Program and Technical Services

- Negotiations ongoing on one (1) Reservoir Street property, one (1) Temple Avenue train property and one (1) Ramona Boulevard property. Acquisition completed for two (2) Ramona Blvd. properties.
- Processing relocation assistance for two (2) businesses located at the Ramona Boulevard Grade Separation Project.
- Continued property management of one (1) East End Avenue property, six (6) Nogales Street properties, eleven (11) Reservoir Street properties and four (4) Ramona Boulevard properties.
- Offers to purchase packages for Brea Canyon Road and Sunset Ave. projects completed. Negotiations ongoing for all parcels.
- Provided support in obtaining easement rights needed for utility relocation on Nogales Street, Reservoir Street, East End Avenue and Ramona Boulevard projects. Resolution of Necessity for two (2) Sunset Ave. properties and four (4) Brea Canyon properties approved August 22, 2005. Litigation support ongoing.
- Processing the disposition of one (1) Nogales Street surplus property.
- Evaluated the potential inconvenience during construction activities to residents adjacent to Brea Canyon Road project.
- Responded to property owner inquiries regarding the ACE Project at Ramona Boulevard, East End Avenue, Nogales Street, Reservoir Street, Temple Avenue Train Diversion, Brea Canyon Road, and Sunset Avenue.
- Continued liaison with Caltrans Local Programs personnel.

Railroad and Shoo-fly Design

- Continued coordination with UPRR for the Brea Canyon and Sunset Avenue projects.

Surveying and Mapping Program

- Currently working the Plats and Legal descriptions for the required property at Ramona Grade Separation Project.
- Developing Plat Maps and legal descriptions for the required properties at Brea Canyon and Sunset Avenue project files.

NEXT PERIOD

Continue development of all scheduled activities.



Alameda Corridor-East Construction Authority

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org

Memo to: ACE Construction Authority Board Members & Alternates

From: Rick Richmond
Chief Executive Officer

Date: June 26, 2005

Subject: Approval of Sale of Surplus Nogales Street Property in Cooperation with the City of West Covina

RECOMMENDATION: Staff requests your approval to pursue the sale of excess Nogales Street property in cooperation with the City of West Covina.

BACKGROUND: You have previously declared five contiguous parcels at the corner of Valley Boulevard and Nogales Street as excess. The property is approximately five acres total, with about 3.8 acres (the portion inside the loop connector road) being the most viable for reuse. The property is zoned commercial.

In accordance with state law, we made notice of the available land to all potentially interested parties (26 letters sent) who have priority if the property is to be used for open space/recreation, schools or low-to-moderate income affordable housing. We received one positive response from a qualified affordable housing developer and a response from the City of West Covina, as discussed below.

The housing sponsor, Residential Communities, Inc., has withdrawn their proposal citing uncertainties over the likelihood of City of West Covina approval of their project and/or the rezoning that would be required.

The other party responding to our notice was the City of West Covina who indicated an interest in a commercial or mixed (commercial/residential) use of the site. West Covina wants to insure the use of the property meets their development objectives. They conducted a competitive process in accordance with local procedures. The property transaction would be between ACE and the City's preferred proposer, and we have indicated our expectation of receiving fair market value for the property.

In staff's view, our primary objectives, assuming all pertinent state regulations are met, is that we get fair market value for the property and that we realize the proceeds from the sale at the earliest possible date. Staff believes that acting in coordination with the City should accomplish those objectives.

If this method of proceeding with the property sale is acceptable to your Board, staff will seek to negotiate a purchase and sale agreement for your approval.



Alameda Corridor-East Construction Authority

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-9393 www.theaceproject.org

MEMO TO: ACE Construction Authority Board Members & Alternates

FROM: Rick Richmond, Chief Executive Officer

DATE: June 26, 2006

SUBJECT: Approval of 2007 Annual Anticipated Disadvantaged Business Enterprise (DBE) Participation Level

RECOMMENDATION

Approve the Authority's Annual Anticipated Participation Level (AADPL) of 13% for Federal Fiscal Year (FFY) 2006/07 (covering the period of October 1, 2006 through September 30, 2007).

BACKGROUND

At the last meeting, the Board authorized the Chief Executive Officer to execute the DBE Race-Neutral Implementation Agreement for Local Agencies and return to the next meeting with the proposed FY '07 DBE Advisory Goal for approval.

Effective May 1, 2006, Caltrans and the Federal Department of Transportation changed their policy on implementing the DBE Program. The most significant change to the regulations is that contract specific DBE goals can no longer be required in determining bid responsiveness. Rather, DBE contract goals are advisory for contracts advertised after May 1st. Prior contracts already executed are still in force and the Authority must continue to provide compliance reports to Caltrans.

The Authority is required to take the following key steps:

- Revise bid documents to reflect the DBE goal advisory language and change in reporting requirements (this affected the Sunset contract as well as future contracts). **Completed.**
- Participate in the Caltrans DBE Disparity Study currently underway. **The study is expected to be completed in May 2007.**
- Execute a DBE Race Neutral Implementation Agreement for Local Agencies and submit by June 1 (attached). **Completed and transmitted to Caltrans.**
- Develop a FY'07 Annual Anticipated Disadvantaged Participation Level (AADPL) for the Authority by race neutral means. **Attached for approval.**

- Develop DBE advisory goals by contract tailored to the scope of work to be performed. **Completed for Sunset construction bid out for advertisement. DBE workshop held on June 13, 2006 with potential contractors explaining changes to procedures and bid documents.**

A 13% goal is recommended for FFY 2006/07 for its DOT-assisted contracts. The DBE Availability Advisory Percentages represent the level of DBE participation that could reasonably be expected on individual federal-aid contracts. The advisory level is established for individual contracts to assist the prime contractor in ascertaining a reasonable level of DBE participation on any given federal-aid contract. It is not an enforceable goal and compliance with the advisory shall not be a condition of award of any contract. Furthermore, the Authority's AADPL was developed in conformance with the federally prescribed two-step methodology process in the regulations.

The AADPL for Federal Fiscal Year 2006/07 will be updated annually to maintain relevancy to local market conditions and factors impacting DBE availability as directed by Caltrans. To comply with Caltrans' Race-Neutral DBE Program Implementation plan, the Authority may no longer advertise and award contracts with Federal-aid funds containing race-conscious DBE goals, until Caltrans' disparity and availability studies are complete (anticipated completion May 2007) and fully assessed by Caltrans.

Board approval and adoption of the AADPL for Federal Fiscal Year 2006/07 is recommended to ensure compliance with Caltrans' federal funding requirements. Failure to do so will directly jeopardize the Authority's federal financial assistance. Caltrans approval is anticipated by July 1, 2007.

Attachments: AADPL Methodology for FFY 2006/07



Alameda Corridor-East Construction Authority

Annual Anticipated DBE Participation Level Methodology

for

FFY 2006/2007

Submitted in fulfillment of:

*Section 1101 of the Transportation Equity Act for the 21st Century
49 Code of Federal Regulations Part 26
and
Caltrans Local Assistance Procedures Manual*

(Attachment)
ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY
Prompt Payment of Withheld Funds to Subcontractors

Federal regulation (49 CFR 26.29) requires one of the following three methods be used in federal-aid contracts to ensure prompt and full payment of any retainage kept by the prime contractor or subcontractor to a subcontractor.

Please check the box of the method chosen by the local agency to ensure prompt and full payment of any retainage.

☐

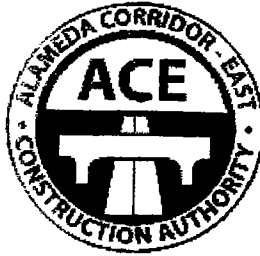
No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

☐

No retainage will be held by the agency from progress payments due the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in 30-days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

☒

The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30-days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance; and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.



**ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY
ANNUAL ANTICIPATED DBE PARTICIPATION LEVEL (AADPL)
METHODOLOGY FOR
FEDERAL FISCAL YEAR 2006/07**

(Covering the period of October 1, 2006 through September 30, 2007)

I. INTRODUCTION

On May 1, 2006, the Alameda Corridor-East Construction Authority (hereinafter referred to as Authority) implemented a wholly race-neutral Disadvantaged Business Enterprise (DBE) program in accordance with directives issued by the California Department of Transportation (Caltrans/Department). The directive was issued as a result of a recent decision from the Ninth Circuit Court of Appeals and guidelines promulgated by the Federal Highway Administration (FHWA) in response to that decision. The decision mandated that evidence of discrimination in the transportation contracting industry must be documented in order to implement a DBE race-conscious program. After careful analysis, the Department and FHWA concluded that the Department lacked sufficient evidence to satisfy the strict scrutiny and newly established evidentiary standards established by the Ninth Circuit to request a waiver from US DOT to continue its use of race-conscious measures to meet the State's Overall DBE Goal.

Hence,

- Effective **May 1, 2006**, the Department and its subrecipients (Local Agencies) of DOT-assisted funding may no longer advertise and award contracts with Federal-aid funds containing Race-Conscious DBE goals.
- Local Agencies are required to submit a **“Disadvantaged Business Enterprise Race-Neutral Agreement (Exhibit 9-A)”** in accordance with Section 9.6 of Chapter 9 of the Caltrans Local Assistance Procedures Manual (LAPM) by **June 1, 2006**.
- Local Agencies are required to submit an **“Annual Anticipated DBE Participation Level” (AADPL)** by **June 1, 2006** for its Federal Fiscal Year 2006/07 Federal-aid contracts, including following the Step I and Step II prescribed methodology.
- Effective **May 1, 2006**, all Federal-Aid procurements shall contain Race-Neutral DBE contract language (refer to “Sample Notice to Contractors and Special Provisions” and “Sample Proposal and Contract” available for download from Caltrans’ Division of Local Assistance website at http://www.dot.ca.gov/hq/LocalPrograms/sam_boil/sam_boil.htm

- Effective **May 1, 2006**, Local Agencies will be required to determine “**DBE Availability Advisory Percentages**” for **individual Federal-aid contracts**, to assist potential bidders/proposers in ascertaining a reasonable level of participation on any given Federal-aid contract. Additionally, Local Agencies will be required to include the “**DBE Availability Advisories**” and appropriate DBE Race-Neutral specifications in the PS&E documents.
- Local Agencies will be required to collect and report participation and utilization by DBEs on Federal-aid contracts (no change).
- Local Agencies are required to actively participate in both Department’s statewide availability study and disparity study anticipated to commence late May 2006 and completed by May 2007 to fulfill the requirements of the law as identified by the Ninth Court of Appeals ruling.

In response to these policy directives, the Authority hereby sets forth its AADPL methodology for FFY 2006/07.

II. DOT-ASSISTED CONTRACTING PROGRAM FOR FFY 2006/07

Table 1 serves to identify the Authority’s DOT-assisted contracting program for FFY 2006/07 considered in preparing its *Annual Anticipated DBE Participation Level (AADPL)* in accordance with Chapter 9, Section 9.7 of the Local Assistance Procedures Manual (LAPM). The *Baldwin Avenue Grade Separation* and *San Gabriel Trench Design* projects were considered in the federally prescribed AADPL analysis based on DOT-assisted funding and the anticipated award date. These projects have viable contracting and subcontracting possibilities, a required criterion for AADPL consideration.

Table 1

PROJECT	Total Estimated Project Cost	Estimated Federal Dollar Share of Construction	Estimated Federal Dollar Share of Professional Services
Baldwin Avenue Grade Separation	\$29,600,000.00	\$11,840,000.00	\$0.00
San Gabriel Trench	\$21,067,500.00	\$0.00	\$16,854,000.00
TOTAL	\$50,667,500.00	\$11,840,000.00	\$16,854,000.00

Table 2 provides a summary of work grouped into two primary categories: *Construction and Professional Services*, utilizing the CUCP 2002 North American Industry Classification System (NAICS) work categories and comparable 2003 Census Business Patterns NAICS. *Table 2* also serves to identify the estimated Federal Dollar Share and the Percent of Federal Funding as follows:

Table 2

CONTRACT TYPE	CUCP DATABASE ¹	COMPARABLE PRIMARY 2003 NAICS CENSUS DATA ¹	ESTIMATED FEDERAL DOLLAR SHARE	% OF FEDERAL FUNDING
Construction Services	237310	234110	11,840,000.00	41%
Professional Services	541330	541330	16,854,000.00	59%
TOTAL			\$28,694,000.00	100%

III. AADPL - METHODOLOGY

Step 1: Determination of a Base Figure (26.45)²

To establish the Authority's Base Figure of the relative availability of DBEs to all comparable firms (DBEs and Non-DBEs) available to bid or propose on the Authority's FFY 2006/07 DOT-assisted contracting opportunities projected to be solicited, the Authority followed one of the five prescribed federal methodologies to determine availability. This was accomplished by accessing the *California Unified Certification Program (CUCP) DBE Database of Certified Firms* and the *2003 U.S. Census Bureau County Business Patterns (CBP) Database*. Comparisons were made by corresponding zip codes within the Authority's market area (defined as the counties of Los Angeles, Orange, Riverside and San Bernardino) and by the specified industries and types of businesses identified in Table 2. The Authority's local market area represents where the substantial majority of the Authority's dollars are expended and/or where the substantial majority of contractors bids or quotes are received.

The Authority made a concerted effort to ensure that the scope of businesses included in the numerator was as close as possible to the scope included in the denominator. For corresponding detail of all work category classifications grouped, refer to Attachments I and VI.

- ⇒ *For the numerator:* **California UCP DBE Database of Certified Firms**
- ⇒ *For the denominator:* **2003 U.S. Census Bureau's Business Pattern Database (CBP)**

¹ Refer to Attachments I and II for corresponding detail of all work trades grouped under the primary NAICS Codes.
² 26.45 represents Title 49 CFR Part 26 regulatory reference.

To determine the relative availability of DBEs, the Authority divided the numerator representing the ratio of ready, willing and able DBE firms within the Authority's defined market area, by the denominator representing all firms (DBEs and Non-DBEs) available by each work category within the defined market area. Application of this formula yielded the following baseline information:

$$\frac{\text{Number of Ready, Willing, and Able DBEs}}{\text{Number of All Available Firms (Including DBEs and Non-DBEs)}} = \text{BASE FIGURE}$$

The Base Figure was further adjusted by weighting the relative availability of DBEs grouped within the major work trades, giving more weight to the work trades/industries in which the Authority projects to spend more DOT-assisted dollars. The Base Figure resulting from this weighted calculation is as follows:

Step I: Base Figure (weighted by type of work to be performed and corresponding contracting dollars)

$$\text{Base Figure} = \left[\frac{\text{Construction}}{\text{DBEs in 237310*}} \cdot .41\% + \frac{\text{Professional}}{\text{DBEs in 541330*}} \cdot .59\% \right]$$

$$\text{Base Figure} = \left[\frac{\text{CBPs in NAICS 234110**}}{\text{CBPs in NAICS 541330**}} \right]$$

$$\text{Base Figure} = \left[\frac{.41 (709)}{5219} + \frac{.59 (246)}{3466} \right]$$

$$\text{Base Figure} = \left[.41(.13585) + .59(.070975) \right]$$

$$\text{Base Figure} = \left[.055698 + .041875 \right]$$

$$\text{Base Figure} = (.097574) 100 = 9.76 = 10\%^{***}$$

* For additional NAICS codes from the CUCP DBE Directory, refer to Attachments I - V.

** For additional NAICS codes, refer to Attachment VI.

*** Rounded to the nearest whole number.

Table 3 serves to identify the Authority's "DBE Availability Advisory Percentages" calculated by project below:

Table 3

PROJECT		RECOMMENDED DBE AVAILABILITY ADVISORY PERCENTAGES BY PROJECT
Baldwin Avenue Grade Separation Project		14%
San Gabriel Trench Design		7%

The individual DBE Availability Advisory Percentages will be inserted in the respective solicitation DBE documents.

Step 2: Adjusting the Base Figure

Upon establishing the Base Figure, the Authority reviewed and assessed other known evidence potentially impacting the relative availability of DBEs within the Authority's market area, in accordance with prescribed narrow tailoring provisions set forth under 49 CFR Part 26.45 Step II DBE Goal Adjustment guidelines.

Evidence considered in making an adjustment to the Base Figure included the Authority's *Past DBE Goal Attainments on Similar Type Projects, Bidders List, Disparity Studies and Other Relevant Evidence within the Authority's jurisdiction*. A summary of these considerations follows:

A. Past DBE Goal Attainments on Similar Type Projects

The following tables reflect ACE Construction Authority's current DBE goal participation attainments as of March 2006 on similar DOT-assisted contracts (Grade Separation Construction Projects and Design and Engineering Services):

GRADE SEPARATION CONSTRUCTION PROJECTS:

Project Name	Prime Contractor	Project DBE Goal	DBE Commitment	DBE Attainment as of March 2006
Nogales Street	Brutoco	18%	7%	6%
East End Ave./Reservoir St.	Ortiz Enterprises	13%	8%	4%
Ramona Avenue	Brutoco	8%	4%	4%
Temple Ave. Train Diversion	Yeager/Skanska	12%	14%	15%
Brea Canyon Road	Griffith Corporation	10%	11%	--
Average DBE Goal Participation Attainment				7%

DESIGN & ENGINEERING SERVICES:

Project Name	Prime Consultant	Project DBE Goal	DBE Commitment	DBE Attainment as of March 2006
Nogales Street	DMJM+Harris	20%	20%	16%
East/End Ave./Reservoir St.	URS	20%	20%	22%
Ramona Avenue	DJM+Harris	20%	20%	16%
Temple Ave. Train Diversion	HDR Engineering	20%	20%	20%
Brea Canyon Road	DMJM+Harris	20%	20%	19%
Sunset Avenue	HNTB Corporation	20%	20%	20%
Baldwin Avenue	DMJM+Harris	20%	20%	18%
Average DBE Goal Participation Attainment				19%

WORK CATEGORY	AVERAGE DBE GOAL PARTICIPATION ATTAINMENT
Grade Separation Construction Projects	7%
Design & Engineering Services	19%
AVERAGE DBE GOAL PARTICIPATION ATTAINMENT	13%

Based on the Authority's current DBE goal participation attainments for the Grade Separation Construction Projects and Design and Engineering Services contracts, the Base Figure of 10% resulted in an upward adjustment from 10% to 13%.

B. ACE Construction Authority's Bidders List

The ACE Construction Authority's Bidders List was considered in adjusting the Base Figure and was closely reviewed to assess viable subcontracting trades and/or DBEs captured that have performed work or bidded on similar type of projects/contracts. Based on the Bidders List data collected to date, and in accordance with narrow tailoring provisions, the following serve to represent ACE Construction Authority's market area, which is defined as Los Angeles, Orange, San Bernardino and Riverside Counties.

Additionally, based on the Bidders List data collected, the calculated percentage of DBE firms who have submitted bids/quotes vs. all firms who have submitted bids/quotes on ACE Construction Authority's DOT-assisted contracts is 12%.

C. Evidence from Disparity Studies

The Authority is not aware of any current disparity studies within the Authority's jurisdiction and/or market area to consider in adjusting the Step 1 Base Figure. However, the Authority will actively participate in the California Department of Transportation's Availability/Disparity Study and apply results of such in future DOT-assisted contracts when completed.

D. Other Relevant Evidence

The Authority is not aware of any additional relevant data; including anecdotal evidence over and above those factors considered that would sufficiently merit an adjustment to the Base Figure at this time. However, the Authority will continue to explore and consider all available evidence that could have a potential impact on the AADPL process.

Overall Resultant AADPL Adjustment

Based on the Authority's review and consideration of the above factors, an upward adjustment from the 10% Base Figure of DBE availability to 13% as determined by the calculation above (Refer to A).

As such, the Authority has determined its AADPL to be 13% for FFY 2006/07. The AADPL is expressed as a percentage of all DOT-assisted funds that the Authority will expend in the forthcoming fiscal year.

IV. RACE-NEUTRAL MEASURES

The Authority will implement race-neutral measures to meet its overall AADPL objectives, including but not limited to:

- Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small business participation.
- Unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work that they might, otherwise perform with their own forces.
- Providing information and communications programs on contracting procedures and specific contract opportunities.

V. PUBLIC PARTICIPATION

Public Participation is not a required component in determining an AADPL; however, the Authority will exercise discretion in facilitating the public participation process.

ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY

ATTACHMENT I

Annual Anticipated DBE Participation Level Methodology for FFY 2006/07

ESTABLISHMENT OF THE NUMERATOR:

OF ESTABLISHED DBE FIRMS BY PRIMARY WORK CATEGORIES (CONSTRUCTION AND PROFESSIONAL SERVICES) AND CORRESPONDING NAICS CODES WITHIN ACE CONSTRUCTION AUTHORITY'S MARKET AREA (DEFINED AS LOS ANGELES, ORANGE, SAN BERNARDINO AND RIVERSIDE COUNTIES)¹

CONSTRUCTION SERVICES:		LOS ANGELES COUNTY ZIP CODES																		
2002 NAICS Codes	HIGHWAY & STREET CONSTRUCTION	900	902	903	904	905	906	907	908	910	911	912	913	914	915	916	917	918	935	TOTAL
	Highway, Street & Bridge Construction	11	5	4	2	0	6	5	3	3	2	0	12	1	1	0	37	0	1	93
	Other Heavy & Civil Engineering Construction	6	2	0	0	1	3	2	1	1	2	0	2	0	0	0	8	0	0	28
	Poured Concrete Foundation & Structure Contractors	4	4	1	0	1	3	2	1	1	0	0	4	0	0	0	12	0	1	34
	Structural Steel & Precast Concrete Contractors	7	2	1	0	1	4	1	1	1	0	0	4	0	0	0	12	0	1	35
	Masonry Contractors	3	2	1	0	1	2	0	1	2	0	0	2	0	0	0	2	0	0	16
	Other Foundation, Structure & Building Exterior Contractors	2	0	0	0	1	1	2	1	0	0	0	0	0	0	0	1	0	0	8
	Electrical Contractors	6	6	1	0	2	3	2	0	2	0	0	6	0	0	0	17	0	1	46
	Painting & Wall Covering Contractors	5	0	0	0	1	1	1	1	0	0	0	2	2	0	0	2	0	0	15
	Other Building Finishing Contractors	2	0	0	0	0	1	1	0	0	0	0	1	0	0	0	1	0	0	6
	Site Preparation Contractors	5	6	1	1	1	3	2	1	2	2	1	4	1	0	0	12	0	2	44
	Other Specialty Trade Contractors	12	3	1	1	1	11	5	2	5	3	2	5	1	0	3	35	0	5	95
	Water Supply & Irrigation Systems	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	2
	TOTAL DBE FIRMS	63	30	10	4	10	38	23	12	17	10	3	43	5	1	3	139	0	11	422

PROFESSIONAL SERVICES		LOS ANGELES COUNTY ZIP CODES																			
2002 NAICS Codes		900	902	903	904	905	906	907	908	910	911	912	913	914	915	916	917	918	935	TOTAL	
541330	Engineering Services	15	5	1	3	0	1	3	3	5	10	0	6	0	3	0	17	0	0	72	
541370	Surveying & Mapping	0	3	0	0	0	1	0	0	0	1	0	1	0	0	0	2	0	1	9	
541620	Environmental Consulting Services	7	7	0	2	0	1	0	1	1	4	1	2	0	2	0	7	0	0	35	
TOTAL DBE FIRMS		22	15	1	5	0	3	3	4	6	15	1	9	0	5	0	26	0	1	116	

¹: Data Source: California UCP Directory of Certified DBE Firms.

ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY
Annual Anticipated DBE Participation Level Methodology for FFY 2006/07

ATTACHMENT II

ESTABLISHMENT OF THE NUMERATOR:

OF ESTABLISHED DBE FIRMS BY PRIMARY WORK CATEGORIES (CONSTRUCTION AND PROFESSIONAL SERVICES) AND CORRESPONDING NAICS CODES WITHIN ACE CONSTRUCTION AUTHORITY'S MARKET AREA (DEFINED AS LOS ANGELES, ORANGE, SAN BERNARDINO AND RIVERSIDE COUNTIES)¹

CONSTRUCTION SERVICES:		O.C. ZIP CODES			
2002 NAICS Codes		926	927	928	TOTAL
HIGHWAY & STREET CONSTRUCTION					
237310	Highway, Street & Bridge Construction	9	2	6	17
237990	Other Heavy & Civil Engineering Construction	2	0	0	2
238110	Poured Concrete Foundation & Structure Contractors	5	2	6	13
238120	Structural Steel & Precast Concrete Contractors	3	2	6	11
238140	Masonry Contractors	3	0	2	5
238190	Other Foundation, Structure & Building Exterior Contractors	0	0	0	0
238210	Electrical Contractors	5	2	4	11
238320	Painting & Wall Covering Contractors	2	0	4	6
238390	Other Building Finishing Contractors	1	0	0	1
238910	Site Preparation Contractors	3	3	5	11
238990	Other Specialty Trade Contractors	17	6	15	38
221310	Water Supply & Irrigation Systems	0	1	3	4
	TOTAL NUMBER OF DBE FIRMS	50	18	51	119
PROFESSIONAL SERVICES:					
2002 NAICS Codes		O.C. ZIP CODES			
		926	927	928	TOTAL
	ENGINEERING SERVICES				
541330	Engineering Services	29	12	16	57
541370	Surveying & Mapping	4	3	2	9
541620	Environmental Consulting Services	10	5	8	23
	TOTAL NUMBER OF FIRMS	43	20	26	89

¹: Data Source: California UCP Directory of Certified DBE firms.

ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY

Annual Anticipated DBE Participation Level Methodology for FFY 2006/07

ATTACHMENT III

ESTABLISHMENT OF THE NUMERATOR:

OF ESTABLISHED DBE FIRMS BY PRIMARY WORK CATEGORIES (CONSTRUCTION AND PROFESSIONAL SERVICES) AND CORRESPONDING NAICS CODES WITHIN ACE CONSTRUCTION AUTHORITY'S MARKET AREA (DEFINED AS LOS ANGELES, ORANGE, SAN BERNARDINO AND RIVERSIDE COUNTIES)¹

CONSTRUCTION SERVICES:		S.B. ZIP CODES		
2002 NAICS Codes	HIGHWAY & STREET CONSTRUCTION	922	923	924
237310	Highway, Street & Bridge Construction	0	7	3
237990	Other Heavy & Civil Engineering Construction	1	2	0
238110	Poured Concrete Foundation & Structure Contractors	3	5	3
238120	Structural Steel & Precast Concrete Contractors	3	7	3
238140	Masonry Contractors	0	1	0
238190	Other Foundation, Structure & Building Exterior Contractors	0	1	0
238210	Electrical Contractors	0	3	1
238320	Painting & Wall Covering Contractors	0	0	0
238350	Finish Carpentry Contractors	0	3	0
238910	Site Preparation Contractors	2	3	4
238990	Other Specialty Trade Contractors	4	14	4
221310	Water Supply & Irrigation Systems	0	0	1
TOTAL NUMBER OF DBE FIRMS		13	46	19
				78

PROFESSIONAL SERVICES:		S.B. ZIP CODES		
2002 NAICS Codes	ENGINEERING SERVICES	922	923	924
541330	Engineering Services	2	1	1
541370	Surveying & Mapping	1	0	2
541620	Environmental Consulting Services	0	0	1
TOTAL NUMBER OF DBE FIRMS		3	1	4
				8

¹: Data Source: California UCP Directory of Certified DBE Firms.

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ATTACHMENT IV

ESTABLISHMENT OF THE NUMERATOR:

OF ESTABLISHED DBE FIRMS BY PRIMARY WORK CATEGORIES (CONSTRUCTION AND PROFESSIONAL SERVICES) AND CORRESPONDING NAICS CODES WITHIN ACE CONSTRUCTION AUTHORITY'S MARKET AREA (DEFINED AS LOS ANGELES, ORANGE, SAN BERNARDINO AND RIVERSIDE COUNTIES)¹

CONSTRUCTION SERVICES:		R.C. ZIP CODES		
2002 NAICS Codes	HIGHWAY & STREET CONSTRUCTION	928	925	TOTAL
237310	Highway, Street & Bridge Construction	6	9	15
237990	Other Heavy & Civil Engineering Construction	0	4	4
238110	Poured Concrete Foundation & Structure Contractors	6	2	8
238120	Structural Steel & Precast Concrete Contractors	6	2	8
238140	Masonry Contractors	2	1	3
238190	Other Foundation, Structure & Building Exterior Contractors	0	1	1
238210	Electrical Contractors	4	3	7
238320	Painting & Wall Covering Contractors	4	0	4
238350	Finish Carpentry Contractors	3	2	5
238910	Site Preparation Contractors	5	4	9
238990	Other Specialty Trade Contractors	15	8	23
221310	Water Supply & Irrigation Systems	3	0	3
	TOTAL NUMBER OF DBE FIRMS	54	36	90

PROFESSIONAL SERVICES:		R.C. ZIP CODES		
2002 NAICS Codes	ENGINEERING SERVICES	928	925	TOTAL
541330	Engineering Services	16	2	18
541370	Surveying & Mapping	2	2	4
541620	Environmental Consulting Services	8	3	11
	TOTAL NUMBER OF DBE FIRMS	26	7	33

¹: Data Source: California UCP Directory of Certified DBE Firms.

ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY

Annual Anticipated DBE Participation Level Methodology for FFY 2006/07

ATTACHMENT V

ESTABLISHMENT OF THE NUMERATOR:

OF ESTABLISHED DBE FIRMS BY PRIMARY WORK CATEGORIES (CONSTRUCTION AND PROFESSIONAL SERVICES) AND CORRESPONDING NAICS CODES WITHIN ACE CONSTRUCTION AUTHORITY'S MARKET AREA (DEFINED AS LOS ANGELES, ORANGE, SAN BERNARDINO AND RIVERSIDE COUNTIES)¹

CONSTRUCTION SERVICES:

2002 NAICS Codes	HIGHWAY & STREET CONSTRUCTION	Number of DBE Firms In Los Angeles County	Number of DBE Firms In Orange County	Number of DBE Firms In San Bernardino County	Number of DBE Firms In Riverside County	Total
237310	Highway, Street & Bridge Construction	93	17	10	15	135
237990	Other Heavy & Civil Engineering Construction	28	2	3	4	37
238110	Poured Concrete Foundation & Structure Contractors	34	13	11	8	66
238120	Structural Steel & Precast Concrete Contractors	35	11	13	8	67
238140	Masonry Contractors	16	5	1	3	25
238190	Other Foundation, Structure & Building Exterior Contractors	8	0	1	1	10
238210	Electrical Contractors	46	11	4	7	68
238320	Painting & Wall Covering Contractors	15	6	0	4	25
238390	Other Building Finishing Contractors	6	1	3	5	15
238910	Site Preparation Contractors	44	11	9	9	73
238990	Other Specialty Trade Contractors	95	38	22	23	178
221310	Water Supply & Irrigation Systems	2	4	1	3	10
TOTAL NUMBER OF DBE FIRMS		422	119	78	90	709

PROFESSIONAL SERVICES:

2002 NAICS Codes	ENGINEERING SERVICES	Number of DBE Firms In Los Angeles County	Number of DBE Firms In Orange County	Number of DBE Firms In San Bernardino County	Number of DBE Firms In Riverside County	Total
541330	Engineering Services	72	57	4	18	151
541370	Surveying & Mapping	9	9	3	4	25
541620	Environmental Consulting Services	35	23	1	11	70
TOTAL NUMBER OF DBE FIRMS		116	89	8	33	246

¹: Data Source: California UCP Directory of Certified DBE Firms.

ESTABLISHMENT OF DENOMINATOR:

OF ALL ESTABLISHED FIRMS (DBEs and Non-DBEs) BY PRIMARY WORK CATEGORIES WITHIN ACE CONSTRUCTION AUTHORITY'S MARKET AREA (DEFINED AS LOS ANGELES, ORANGE, SAN BERNARDINO AND RIVERSIDE COUNTIES)¹

CONSTRUCTION SERVICES:

2003 NAICS Code	2002 NAICS Code	NAICS Description of Work	Number of Available Firms Within Los Angeles County	Number of Available Firms Within Orange County	Number of Available Firms Within San Bernardino County	Number of Available Firms Within Riverside County	Total
237310	234110	Highway, Street & Bridge Construction	100	75	63	58	296
237990	234120	Other Heavy & Civil Engineering Construction	72	49	24	39	184
238110	235710	Poured Concrete Foundation & Structure Contractors	351	205	152	212	920
238120	235910	Structural Steel & Precast Concrete Contractors	98	33	50	24	205
238140	235420	Masonry Contractors	278	158	75	125	636
238190	235910	Other Foundation, Structure & Building Exterior Contractors	Duplicate NAICS Code - Refer to Structural Steel & Precast Concrete Contractors (235910)				0
238320	235210	Painting & Wall Covering Contractors	800	433	175	198	1606
238390	235610	Other Building Finishing Contractors	133	92	31	39	295
238910	235940	Site Preparation Contractors	362	231	160	192	945
238990	235990	Other Specialty Trade Contractors	Duplicate NAICS Code - Refer to Poured Concrete Foundation & Structure Contractors (235710)				0
221310	221310	Water Supply & Irrigation Systems	67	10	37	18	132
TOTAL NUMBER OF FIRMS			2261	1286	767	905	5219

PROFESSIONAL SERVICES:

2003 NAICS Code	2002 NAICS Code	NAICS Description of Work	Number of Available Firms Within Los Angeles County	Number of Available Firms Within Orange County	Number of Available Firms Within San Bernardino County	Number of Available Firms Within Riverside County	Total
541330	541330	Engineering Services	1424	1036	217	199	2876
541370	541370	Surveying & Mapping	76	51	28	27	182
541620	541620	Environmental Consulting Services	198	154	30	26	408
TOTAL NUMBER OF FIRMS			1698	1241	275	252	3466

¹: Data Source: 2001 U.S. Census Bureau: County Business Patterns, NAICS Work Category Codes